

Appln. No. 10/805,820  
Amendment dated July 1, 2008  
Reply to Office Action mailed April 1, 2008

### **REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 30 remain in this application. Claims 4, 13, and 29 have been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### **Paragraph 1 of the Office Action**

Claims 3, 5, 17 and 19 have been objected to for the informalities noted in the Office Action.

Claims 3, 5, 17 and 19 have been amended in a manner believed to clarify any informalities in the language. Specifically, the ";" at the end of each sentence has been replaced by a ---.

Withdrawal of the objection to claims 3, 5, 17 and 19 is therefore respectfully requested.

#### **Paragraph 2 of the Office Action**

Claims 1 through 8, 10 through 22, 24 through 28 and 30 through 35 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Owens in view of DeSimone.

Claims 25 through 35 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over DeSimone in view of Van Schyndel.

Claim 1, particularly as amended, requires "converting, when the input signals are voice signals, the voice signals to text data and sending the text data to the one or more instant messaging clients". Further claim 11 requires "wherein the input module includes a speech to text module for

Appln. No. 10/805,820  
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receiving voice data from the telephone and converts the voice data to text data for output through the IM client module".

It is alleged in the rejection of the Office Action that the requirements of claims 1 and 11 are disclosed in the allegedly obvious combination of the Owen and DeSimone documents. However, it is noted that the Owen patent application at paragraph [0045] states that (emphasis added):

[0045] Referring to FIG. 5, the message receiver 76 may respond as follows. The message receiver 76 calls the telephone access service (e.g., Premiere) 16 access number. The call is processed by a switch 70 and call processing node (e.g., Telnode) 68 as follows. The caller 76 enters an authorization code and a personal identification number. The e-mail gateway node is searched to determine whether there are new e-mail messages in the caller's account. In this example, the caller has a message and is given the option of retrieving it by pressing a button sequence. The caller presses buttons (e.g., \*1) to retrieve it. The call is transferred from the call processing node 68 to the e-mail functionality node 66 which answers the call. The caller presses a button (e.g., 1) to hear the new e-mail message. The e-mail functionality node 66 performs the necessary conversion and plays the e-mail message which is actually located on the e-mail server 62. After listening to the e-mail, the caller may reply by pressing a button (e.g., 4) and selecting from a list of short messages. When the caller finishes with other e-mail related tasks (e.g., listening, saving, deleting, faxing, and setting options), he presses a button (e.g., \*) to make a call and is transferred from the e-mail functionality node 66 to the call processing node 68.

It is noted that while there is provision in the system of the Owen patent application for converting email messages to voice, there is not provision for converting a voice message to text, and the user simply has the choice of selecting between predetermined "list of short messages" that can be sent in reply. This discussion does not disclose the requirements of claims 1 and 11 set forth above.

Appln. No. 10/805,820

Amendment dated July 1, 2008

Reply to Office Action mailed April 1, 2008

Further, paragraph [0038] of Owen is referenced, which states:

[0038] Communications between a message sender and a message receiver may be accomplished in accordance with the present invention as follows. A message sender 20 (who happens to be an information service subscriber, but does not have to be) who wishes to send an e-mail message to a message receiver 24 may establish a connection 22, via a Network Node 26, with an information service 14 such as the CompuServe Information Service. Alternatively, messages may be sent through other third party sources or services such as the Internet, etc. to the information service 14. The message sender 34 composes the message on the computer 20, supplies an identifier for the message receiver (such as a member number), and sends the message. The e-mail message may be routed by the Network Node 26 to a Communications Server 28 of the information service which, based on known preferences of the message receiver 36 as defined in a set of rules, makes arrangements to forward the e-mail message to another service provider 16 (e.g., Premiere Communications) that facilitates access to e-mail messages via the telephone 24. The e-mail message may then be stored in a message repository 12 of the telephone access service provider 16 for later access by the message receiver 36. When the message receiver 36 calls in to retrieve his messages, the original e-mail message may be translated by the Communications Server 32 using a text-to-speech translation process. Although the message sender 34 chose to communicate with the message receiver 36 via e-mail, using the present invention, the message receiver 34 is able to access the message using a different communication mode (i.e., the telephone 24.) The conversion of the message from one communication medium to another is performed automatically. The present invention allows the message receiver to select options to define a rule that then allows him or her to "listen" to e-mail messages which have been forwarded from the information service message repository 10 to the telephone service message repository 12.

Again, there is no mention here of any ability to convert voice signals to text data. It is therefore submitted that the cited art would not lead one of ordinary skill in the art to the requirements of claims 1 and 11, as well as the claims that depend from these claims.

Further, with respect to the DeSimone patent, it is noted that instant messaging is only employed for the purposes of passing identification and password information for creating a connection over a voice line, and not for the actual communication itself.

Appln. No. 10/805,820  
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Claim 15 requires "establishing one or more instant messaging (IM) sessions with one or more IM clients that correspond to the received PIN upon receiving the PIN". This requirement, which finds supporting the application, for example, at page 6, lines 3 et seq., is submitted to not be disclosed or suggested by either the Owen or DiSimone documents.

Claim 30 requires "wherein the IM client status is selected from the group comprising on-line and off-line". It is submitted that neither the Owen document nor the DeSimone document discloses the requirements of claim 30 as amended.

It is therefore submitted that the cited patents, and especially the various allegedly obvious combinations of Owens, DeSimone, and Van Schyndel set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 11, 15, 35 and 30. Further, the claims that depend from the independent claims include the requirements of those independent claims, and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1 through 8, 10 through 22, 24 through 28 and 30 through 35 is therefore respectfully requested.

Appln. No. 10/805,820  
Amendment dated July 1, 2008  
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**Paragraph 6 of the Office Action**

Paragraph 6 of the Office Action states that claims 9, 23 and 29 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.


The above amendment incorporates the requirements of claim 29 into the recitation of claim 25, and therefore claim 25 (as well as claims 26 through 28 and 30 which depend from claim 25) is believed to be in condition for allowance.

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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